

File Number: C-_____



Talbot County Department of Planning and Zoning
215 Bay Street, Suite 2
Easton, Maryland 21601
410-770-8030

Amendment to Official Zoning Map, Critical Area Map & Growth Allocation

Office Use Only:

Application Filing Date: _____ Fee Paid: _____
Planning Commission Date: _____ H.P. Commission: _____
(If Applicable)

Applicant(s) Name: _____ Email: _____
Address: _____
Telephone Number: _____ Cell Number: _____

Property Owner(s) Name: _____
Property Owner(s) Signature: _____
Address of Property: _____
Tax Map: _____ Grid: _____ Parcel: _____ Lot: _____ Size: _____
Current Zoning: _____ Proposed Zoning: _____
Proposed Use of Property: (Use Additional Sheets if Necessary): _____

Reason Requested: _____

I certify that all information provided on this application is true and correct. I further certify that I have read the above information and understand the process involved with Amendments to the Talbot County Official Zoning Maps.

Applicant's Signature

Date



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Amendment to Official Zoning Maps, Critical Area Maps, and Use of Growth Allocation Checklist

Zoning map amendments, zoning map amendments in the Critical Area that require growth allocation, and amendments to the Critical Area maps may be initiated by the County Council, Planning Commission, Planning Officer, or by a person with a committed financial, contractual or proprietary interest in the property to be affected by the proposed amendment. Applications must be accompanied by 15 copies of plans drawn to scale showing the existing and proposed zoning and/or Critical Area land management designation boundaries and other information needed to locate the parcel and as defined within the specific section of the ordinance related to the proposed amendment.

_____ **1. Growth Allocation and Reclassification of Critical Area Land Management Designations § 190-55.5** - Growth Allocation is used when the designation of land in the Critical Area is changed from a less intense to a more intense land management designation (LDA and IDA). Growth allocation is also used to allow expanded lot coverage for certain land uses in the Critical Area, as indicated in the requirements for the applicable land uses in Article IV, Chapter 190 of the *Talbot County Code*.

_____ **2. Modified Buffer Area Establishment or Revision § 190-15.11.H** – Modified Buffer Areas are portions of the Shoreline Development Buffer where patterns of development that existed as of December 1, 1989, prevent the Shoreline Development Buffer from fulfilling its natural functions. In such areas special regulations apply to accommodate limited use of shoreline areas while protecting water quality and wildlife habitat to the extent possible, and providing for mitigation measures where encroachment of the Shoreline Development Buffer takes place.

_____ **3. Zoning Map Amendment § 190-55.2** – Amendments to the zoning maps adopted by the County Council that delineate the boundaries of zoning districts, including overlay districts. After considering Findings of Fact when making a decision on a proposed amendment. With the exception of zoning overlay districts, the Council must also make their decision based on the following Standards for Decision:

- (a) There was a substantial change in the character of the neighborhood where the property is located; or
- (b) There was a mistake in the existing zoning classification.

Amendment to Official Zoning Maps Findings of Fact

- 1. Is the proposed rezoning consistent with the purposes and intent of the Talbot County Comprehensive Plan?

- 2. Is proposed rezoning compatible with existing and proposed development and land use in the surrounding area?

- 3. Are there available adequate public facilities for the rezoning?

- 4. How will the proposed rezoning effect present and future transportation patterns?

- 5. How will the proposed rezoning effect population change within the immediate area?

Note: All of the above must be answered in order to proceed with this application.

Amendment to Official Zoning Maps Application shall be accompanied by:

- _____ Statement of significance
- _____ Photographic documentation
- _____ Letter of approval from property owner
- _____ Copy of deeds and/or legal description of district
- _____ Copy of tax map, sketch plan or plat map
- _____ Large Scale map showing general location of property and improvements
- _____ Adjacent property owner list
- _____ Amendment to Official Zoning Findings of Fact

§ 190-55.2. Amendments to Official Zoning Maps

A. Procedures. See § [190-54](#), General application and review procedures, and § [190-55.1](#) of the *Talbot County Code*.

B. Factors to be considered. The Council shall consider findings of fact including, but not limited to, the following when making a decision on a proposed amendment to the Official Zoning Maps:

1. Consistency with the purposes and intent of the Talbot County Comprehensive Plan;
2. Compatibility with existing and proposed development and land use in the surrounding area;
3. Availability of public facilities;
4. The effects on present and future transportation patterns; and
5. The effect on population change within the immediate area.

C. Standard for decision.

1. After a review of the applicable findings, the Council may grant a Zoning Map amendment based upon one of the following findings:
 - a. That there was a substantial change in the character of the neighborhood or community where the property is located since the last comprehensive or sectional Zoning Map amendment, such that the zoning district applied through the comprehensive or sectional amendment is no longer appropriate to the setting and context of the property; or
 - b. That there was a mistake in the existing zoning classification.
2. The findings given in C.1 above shall not be required to establish a floating or overlay district or to approve a comprehensive or sectional Zoning Map amendment.
3. Entitlement to connect to public sewer shall not alone be sufficient to support a finding of substantial change in the character of the neighborhood or community where the property is located as set forth in Subsection C.1.a. above.

Growth allocation and reclassification of Critical Area land management designations shall be accompanied by:

- _____ Concept site development plan consist of all application items and requirements listed in COMAR 27.01.02.06-1 to include:
 - 1. Project name and street address
 - 2. Tax Map, grid, parcel and lot number
 - 3. Property and project boundaries
 - 4. Field run topography and natural features
 - 5. For a proposed subdivision, the general location of proposed lots, structures, and roads
 - 6. For a proposed commercial or industrial use, the general location of proposed structures, stormwater management, paved areas and open space.

- _____ Appropriate environmental reports consisting of all application items and requirements as listed in COMAR 27.01.02.06-2.; maps; and studies to provide sufficient information to permit the Planning Commission to review the application for consistency with the proposed Critical Area land management classification

- _____ Preliminary comments from the Maryland Department of the Environment, Department of Natural Resources and the Army Corps of Engineers, for the resources listed within the growth allocation application to include:
 - 1. Rare, threatened, and endangered species
 - 2. Forest interior dwelling birds and colonial water birds
 - 3. Anadromous fish and their propagation waters and any other aquatic species located on site
 - 4. Plant and wildlife habitat and historic waterfowl staging and concentration areas;
 - 5. Submerged aquatic vegetation
 - 6. Riparian forests and tidal and nontidal wetlands
 - 7. Natural heritage areas and other historical and cultural resources

- _____ Critical Area Map confirming the land area and land classification of the growth allocation area

- _____ Verification that the amount of proposed growth allocation indicated on the Critical Area Map equals the requested number of acres proposed for deduction from the County's existing allotment of growth allocation.

The application shall also include:

- _____ Statement of significance
- _____ Photographic documentation
- _____ Letter of approval from property owner
- _____ Copy of deeds and/or legal description of district
- _____ Copy of tax map, sketch plan or plat map
- _____ Adjacent property owner list
- _____ Amendment to Official Zoning Findings of Fact

**Amendment to the land management designation and/or growth allocation
Standards**

1. Are the applicable requirements of the County's Critical Area Program, Zoning Ordinance and Subdivision Regulations being met, including the standards for establishment of RCA, LDA and IDA areas established in § [190-15.3](#) of the *Talbot County Code*?

2. Does the project design enhance the habitat value or improve water quality in the area? For example, afforestation may exceed the 15% requirement or best management practices for stormwater management may be installed on portions of the site to remain in agricultural use.

3. What is the location, nature, and timing of the proposed growth allocation in relation to the public interest in ordered, efficient, and productive development and land use?

4. Does the proposed growth allocation, subject to the proposed concept site plan, fulfill public purposes through the provision of public facilities, implementation of Comprehensive Plan strategies, or advancement of the land use policies and objectives of the Comprehensive Plan?

Note: All of the above must be answered in order to proceed with this application.

§ 190-55.5.F Standards

Standards. In deciding whether to approve or disapprove an application for amendment to the land management designation and/or growth allocation, the County Council shall evaluate the applicable components of the application: the Zoning Map amendment, the revision to the Critical Area land management designation, requested growth allocation, and the concept plan. All of the standards given below shall be used in evaluating the application.

1. The standards and factors for amendments to the Official Zoning Map (§ 190-55.2.B and C) shall be used to evaluate any proposed rezoning.
2. In addition, the Council shall consider the following factors as applicable:
 - a. Whether applicable requirements of the County's Critical Area Program, Zoning Ordinance and Subdivision Regulations have been met, including the standards for establishment of RCA, LDA and IDA areas established in § [190-15.3](#).
 - b. In addition to meeting the minimum requirements of the Critical Area Regulations, the project design shall enhance the habitat value or improve water quality in the area. For example, afforestation may exceed the 15% requirement or best management practices for stormwater management may be installed on portions of the site to remain in agricultural use.
 - c. For residential development, a community pier shall be provided rather than individual piers.
 - d. The location, nature, and timing of the proposed growth allocation in relation to the public interest in ordered, efficient, and productive development and land use.
 - e. Whether the proposed growth allocation, subject to the proposed concept site plan, will fulfill public purposes through the provision of public facilities, implementation of Comprehensive Plan strategies, or advancement of the land use policies and objectives of the Comprehensive Plan.
3. The County Council may approve the application only if it finds that the proposed concept site plan will:
 - a. Create lots or parcels that maximize opportunities for clustered development that protect habitat and agricultural resources
 - b. Locate structures to minimize impact on habitat protection areas and agricultural areas
 - c. Avoid or provide a minimally disturbed Shoreline Development Buffer
 - d. Minimize soil erosion and runoff
 - e. Maximize protection of eroding shorelines
 - f. Have a minimal impact or cause an improvement to stormwater, floodplain and stream characteristics
 - g. Avoid or minimize impacts on nontidal wetlands
 - h. Maximize protection of plant and wildlife habitats, particularly for threatened and endangered species, plant and wildlife common to the Chesapeake Bay Region, and anadromous fish propagation waters
 - i. Maximize protection of forests
4. The County Council shall also make findings based on the growth allocation standards of the Maryland Natural Resources Article § 8-1808.1(c) and may establish conditions of approval that are consistent with the intent of the County's Critical Area Program.
5. The fact that an application for growth allocation complies with the specific requirements and standards shall not be deemed to create a presumption that the proposed growth allocation would be compatible with surrounding land uses, and is not, in itself, sufficient grounds to require approval.

Note: For supplemental growth allocation within towns, the applicant shall file the application with the town. In addition to complying with all town requirements, the applicant shall provide the information required by § [190-55.5.E](#) of the *Talbot County Code* (Submission and review procedures).